

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 74 of the Commission's) R - 10609
Rules to Permit Satellite Feeds to)
Noncommercial Educational FM Translators)
Operating on Commercial Frequencies)

To: The Commission

REPLY TO STATEMENT
OF
NATIONAL PUBLIC RADIO, INC.

Comes now Calvary Chapel of Twin Falls, Inc. ("Calvary"), Creative Educational Media Corporation, Inc. ("Creative"), Positive Alternative Radio, Inc. ("PAR"), and Priority Radio, Inc. ("Priority") (hereinafter sometimes collectively referred to as "Petitioners"), pursuant to 91.45 of the Commission's Rules, and respectfully submit this reply to the Statement submitted in this rule making proceeding on December 23, 2002 by National Public Radio, Inc. ("NPR").¹

The Petitioners are pleased that NPR generally supports the use of satellites to feed noncommercial educational FM translators operating on non-reserved frequencies.² To the extent that NPR raises some ancillary issues, the Petitioners

¹ Please be advised that the address of the undersigned counsel for the Petitioners has changed since the original Petition for Rule Making was submitted. Counsel's new address is: 7900 Wisconsin Avenue; Suite 304, Bethesda, MD 20814-3628.

² The Petitioners are also pleased that, on December 20, 2002, the Association for Community Education, Inc. also filed comments in support of the rule making proposal

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view this as a healthy debate which should merely result in a more responsive change in FCC policy.

NPR argues that the proposed rules change should be reconciled with "one of the bedrock principles underlying the system of broadcasting in the United States -- localism." **See, NPR Statement, at page 2.** NPR proposes a distance limitation proposal for each class of full power FM stations that would apply to all translators that use satellites to feed the translator's input signal. **Id., at page 5, et. al.**

In light of NPR's Statement, the Petitioners would like to remind the Commission, that on February 28, 2001, the Commission affirmed and clarified its comparative selection policies for applicants seeking to build new noncommercial educational FM and FM Translator broadcast stations, whereby a new point system has been adopted. **See, Memorandum Opinion and Order (Reexamination of the Comparative Standards for Noncommercial Educational Applicants), MM Docket No.95-37, FCC 01-64)(February 28, 2001).** Accordingly, applicants for new FM Translator stations must now complete Section IV of FCC Form 349 ("Noncommercial Educational Point System Factors") and certify their eligibility for local applicant status, as well as diversity of ownership, state-wide network status, and the applicant's service area and population being proposed. For all new FM Translator applications, the new point system factors obviously afford preference to local applicants. The Petitioners simply question whether the new point system factors afford NPR the "localism" security blanket it so desires.

All in all, the Petitioners appreciate NPR's general support of the proposed policy change and look forward to a robust debate of the issues relative to these matters.

Conclusion

WHEREFORE, the above premises considered in response to NPR's Statement, it is respectfully requested that the Commission make certain amendments to Part 74 of the Commission's Rules to permit satellite feeds to Noncommercial Educational FM Translators operating on commercial frequencies.

Respectfully submitted,

**CALVARY CHAPEL OF TWIN FALLS, INC.
CREATIVE EDUCATIONAL MEDIA CORP., INC.
POSITIVE ALTERNATIVE RADIO, INC.
PRIORITY RADIO, INC.**

By: 
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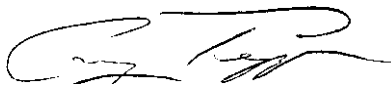
CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 30th day of December, 2002, I have served a copy of the foregoing **"REPLY TO STATEMENT OF NATIONAL PUBLIC RADIO, INC."** first-class, postage-prepaid, on the following:

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A handwritten signature in black ink, appearing to read 'C. Tepper', is written over a horizontal line.

Cary S. Tepper, Esq.